

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOHNNY M. HUNT,

Plaintiff,

v.

SOUTHERN BAPTIST CONVENTION;  
GUIDEPOST SOLUTIONS LLC; and  
EXECUTIVE COMMITTEE OF THE  
SOUTHERN BAPTIST CONVENTION

Defendants.

Case No. 3:23-cv-00243

Judge Campbell  
Magistrate Judge Frensley

JURY DEMAND

**NON-PARTY JANE DOE'S MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Rules 5.03 and 7.01 of the Local Rules of Court and the Second Amended Agreed Protective Order previously entered in this action (ECF Doc. No. 153), non-party in the above civil action and sexual abuse survivor appearing under the pseudonym “Jane Doe” (pursuant to a contemporaneously filed Motion to Proceed Pseudonymously and to Redact References to Her Name and Identifying Information in Public Filings (“Motion to Proceed Pseudonymously”)), respectfully submits this Motion for Leave to File Under Seal:

- Declaration of Melissa J. Hogan, as well as its Exhibits 1-9, submitted by Jane Doe on April 9, 2024, in support of her Motion to Proceed Pseudonymously, Motion to Expedite, and her Motion for Protective Order regarding her deposition.
- Memorandum of Law in Support of Non-Party Jane Doe’s Motion to Proceed Pseudonymously, submitted by Jane Doe on April 9, 2024.
- Memorandum of Law in Support of Non-Party Jane Doe’s Motion for Protective Order, submitted by Jane Doe on April 9, 2024.

Jane Doe is concurrently filing each of the above with the confidential material redacted.

## ARGUMENT

“[T]rial courts have always been afforded the power to seal their records when interests of [the litigant’s] privacy outweigh the public’s right to know.” *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983). The right of public access to judicial records is presumed, but it is “not absolute.” *United States v. Beckham*, 789 F.2d 401, 419 (6th Cir. 1986) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Under Local Rule 5.03 and Sixth Circuit law, a party may overcome this presumption by showing (1) a “compelling reason why certain documents or portions thereof should be sealed,” and (2) that “the seal itself [is] narrowly tailored to serve that reason.” *Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593-94 (6th Cir. 2016) (citations omitted). In determining the appropriateness of sealing court records the Court may consider, among other things, “the privacy rights of participants or third parties, trade secrets, and national security.” Id. at 593. Cf. *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 308 (6th Cir. 2016) (identities of minor victim of sexual assault included among categories of information that overcome the presumption of access) (citation omitted)).

Jane Doe is a non-party to this action and was unwillingly involved due to her being the victim of the sexual assault referenced in this civil action of Plaintiff against Defendants Guidepost Solutions, the Southern Baptist Convention, and the Executive Committee of the Southern Baptist Convention. In December 2023, Jane Doe reluctantly complied with a subpoena duces tecum served on her by Plaintiff, subject to “Highly Confidential - Attorneys’ Eyes Only” designation under what was then the Amended Agreed Protective Order (ECF Doc. No. 83) (now Second Amended Agreed Protective Order, ECF Doc. No. 153), in her best efforts to be forthcoming and avoid personal exposure, legal fees, and harassment. She just wants to move on with her life.

However, now having been served to appear for a deposition, she has been forced to continue to endure emotional trauma, incur substantial legal fees, and spend time and effort with respect to a case wherein she is not a party and which involves extremely traumatic events in her life.

The Declaration of Melissa J. Hogan and its exhibits contain information about the identity of Jane Doe and underlying facts in support of the Motions related to protecting her identity including deposition subpoena and notices, as well as emails among counsel that contain her identity and specific efforts to protect her identity.

The Memorandums of Law in support of Jane Doe's Motion to Proceed Pseudonymously and Motion for Protective Order also contain specific examples of the reasonable basis for Jane Doe's need for court intervention for the protection of her name and identity in this case as a non-party who is a victim of sexual assault. These matters should be designated "Highly Confidential – Attorneys' Eyes Only" under the Second Amended Agreed Protective Order (ECF Doc. No. 153), so as not to be revealed to any further individuals, and therefore have been filed in redacted form pursuant to Local Rule 5.03(c).

Therefore, Jane Doe files the instant motion in an effort to ensure compliance with the Local Rules of the Court and the Second Amended Agreed Protective Order previously entered in this action on March 8, 2024 (ECF Doc. No. 153), until such time as the Court adjudicates the issues in her contemporaneously filed motions - her Motion to Proceed Pseudonymously, Motion to Expedite and for Emergency Relief, and Motion for a Protective Order.

### **CONCLUSION**

For the foregoing reasons, Jane Doe hereby respectfully requests that the Court grant this motion and direct the clerk to seal the Declaration of Melissa J. Hogan and its exhibits, the Memorandum of Law in Support of Non-Party Jane Doe's Motion to Proceed Pseudonymously,

and the Memorandum of Law in Support of Non-Party Jane Doe's Motion for Protective Order, submitted by Jane Doe on April 9, 2024.

Dated: April 9, 2024

Respectfully submitted,

s/ Melissa J. Hogan

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on **April 9, 2024**, I electronically filed a true and correct copy of the foregoing with the Clerk of Court for the U.S. District Court Middle District of Tennessee through the Court's Electronic Case Filing System, which will automatically serve all counsel of record listed below:

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By: s/ Melissa J. Hogan